

REMARKSAmendments

Claim 4 has been canceled. This has been done in the interest of rapid prosecution and without prejudice to Applicant's right to prosecute claims of similar or different scope in one or more continuation applications.

The Rejection Under 35 USC § 103(a)

Applicant respectfully traverses the rejection of claims 1 to 5 under 35 USC § 103(a) as unpatentable over Zhu et al. (U.S. Patent No. 6,044,296) in view of Purcell et al. (U.S. Patent No. 3,625,766), insofar as the rejection is applicable to the amended claims.

The present claims recite a current conducting terminal which is in contact with either a positive or a negative electrode of one battery and in contact with an electrode of opposite polarity of another battery for conducting current between the two batteries. One electrode of the terminal is in contact with the either positive or negative electrode of the one battery and the another electrode contacts the electrode of opposite polarity of the other battery. A conductive polymer is placed between the one electrode and the another electrode. When an overcurrent or excessive temperature occurs, the conductive polymer increases in resistance, decreasing the current flow between the two batteries. In one embodiment, the current conducting terminal is in contact with a relay current conduction piece, and a resin body holds the relay current conduction piece and can be attached to or detached from the current conducting terminal.

Zhu et al. is directed to a cardiac pacing system and to a circuit that can be used to attenuate polarization voltages that develop after delivery of a pacing stimulus to the heart. There is no teaching or suggestion of the use of a conductive polymer element being positioned between one electrode of one battery and the electrode of opposite polarity of a second battery. Although the Examiner contends that Zhu discloses such a current conducting terminal at element 28, Applicant believes that that is incorrect. In fact, element 28 refers to a capacitor, not a current conducting terminal. In both Figure 1 (in which element 28 appears) and in Figure 3 (referred to by the Examiner but not containing element 28), only a single battery (element 82) is disclosed. Therefore, an important feature of claims 1 to 3, i.e. that two batteries are present and that the current conducting terminal is positioned between them, is not taught or suggested by Zhu.

The deficiencies of Zhu are not resolved by the addition of Purcell et al. (referred to in the Office Action as Palme and on the Form PTO-892 as Paine et al.). Purcell discloses an electric storage battery comprising a plurality of battery plates of opposite polarity suspended in a sealed housing. Terminals of opposite polarity extend from the housing which is made of a lightweight, rugged material “which is, for practical purposes, both chemically inert and electrically nonconductive” (Column 2, lines 68-71). Not only does Purcell not teach the use of a conductive polymer to be placed between two electrodes, it explicitly teaches away, requiring a nonconductive polymer to separate the terminals. Therefore, even if one were to combine Zhu with Purcell, one would not be led to the presently recited claims. In addition, while Purcell does teach the use of a housing to surround the elements of the battery, there is no teaching or suggestion, even if combined with Zhu, of the desirability of using a contact which is provided on the one electrode to contact the one battery and a contact which is provided on the another electrode to contact the another battery are exposed, while the other parts are encased in a resin body, or of a resin body which holds the relay current conduction piece, and is attachable to or detachable from the current conducting terminal..

Disclosure Under 37 CFR § 1.56

In fulfilling the duty of candor and good faith, the following documents are hereby disclosed to the Patent Office in accordance with 37 CFR § 1.56. It is not admitted that the information in the listed documents is material to patentability as defined in 37 CFR § 1.56(b). The Examiner is requested to consider the documents in the examination of this application.

Accompanying this statement are Forms PTO/SB/08A and PTO/SB/08B in duplicate on which the documents are listed. The Examiner is requested to return an initialed and signed copy of the forms once the documents have been considered.

The following documents were cited by the European Patent Office in the Supplementary European Search Report dated December 30, 2008 for European Application No. 03791380.3 which is a counterpart for this application. Both documents were cited in category “X” as documents “particularly relevant if taken alone”. A copy of the Supplementary Search Report is attached.

U.S. PATENT DOCUMENTS

Document Number	Publication Date	Name of Patentee or Applicant	Category
US-4,255,698	03-10-1981	Simon	X
US-4,973,936	11-27-1990	Dimpault-Darcy et al.	X

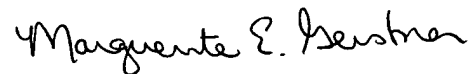
In accordance with 37 CFR §1.98(a)(2), copies of the U.S. patents listed above are not being submitted, although copies will be sent on request.

In accordance with 37 CFR § 1.97(c)(2), the Commissioner is authorized to charge the fee for submitting this Information Disclosure Statement (\$180) to Deposit Account No. 18-0560.

Conclusion

It is believed that this application is now in condition for allowance and such action at an early date is earnestly requested. If, however, there are any outstanding issues which can be usefully discussed by telephone, the Examiner is asked to call the undersigned.

Respectfully submitted,



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